IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

**CIVIL APPLICATION NO. 8385 OF 2004**
**IN**
**WRIT PETITION NO. 4378 OF 2002**

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
|---|---|

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 22, 2007.

Heard Ms. Tanna, learned counsel for the petitioner and Shri Paliwal, learned counsel for the respondents.

The application is for restraining the respondents from creating third party interest. I find that interest of justice can be met by directing expeditious disposal of Regular Civil Suit itself because this application itself is pending for about two years.

However, learned counsel for the petition states that the petitioner has been dispossessed during the pendency of the suit. Such a controversy cannot be gone into in writ petition.

In these circumstances, the proceedings in Regular Civil Suit No. 58 of

2001 are expedited and the Court below is directed to dispose of the Regular Civil Suit as early as possible and in any case within a period of six months from the date of communication of this order to it. Pending such decision, the parties shall not deal with suit property in any way and shall not create any third party interest in it.

In view of these directions, nothing survives in the petition. Writ Petition is accordingly disposed of. Rule discharged. No costs.

**JUDGE**

*GS.